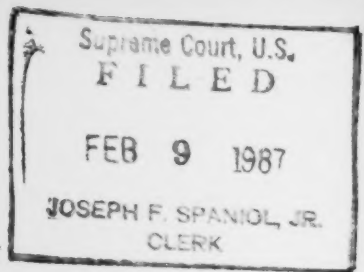


86 - 1324 (1)



No. \_\_\_\_\_

In The  
SUPREME COURT OF THE UNITED STATES  
October Term, 1987

LAVOYD WAYNE "Bill" HARDIN

Petitioner.

v.

CLIFFORD F. MCMASTER

Respondent.

PETITION FOR WRIT OF CERTIORARI TO  
THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

*Lavoyd Wayne "Bill" Hardin Pro. se.*  
Lavoyd Wayne "Bill" Hardin, pro  
se

Route 1, Box 127A  
DeLeon, Texas 76444

Telephone: (817) 893-2686

22/1/87

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY  
AT THE TIME OF FILMING. IF AND WHEN A  
BETTER COPY CAN BE OBTAINED, A NEW FICHE  
WILL BE ISSUED.

QUESTIONS  
PRESENTED FOR REVIEW

1. Whether the Bankruptcy Court, The United States District Court, and the Fifth Circuit Court is guilty of a conspiracy to Defraud.

2. Whether the petitioner was denied due process of law under the United States Constitution, and the Texas Constitution.

3. Whether the petitioner was denied his homestead, and his business homestead rights under Article 16, Section 50 and 51 of the Texas Constitution.

4. Whether J. A. Hardin is the only legal owner of this property.

5. Whether the Fifth Circuit Court abused its discretion by not ruling the Bankruptcy Court and the United States

District Court denied petitioner and J. A. Hardin the right to have the assistance of counsel for their defense.

6. Whether the Fifth Circuit Court abused its discretion by not ruling the Trustee, the Bankruptcy Judge and the United States District Judge was compelled to accept full tender payment.

7. Whether the Fifth Circuit Court abused its discretion by not ruling the Bankruptcy Judge and the United States District Judge cannot take the State of Texas land as one of the petitioner's assets.

8. Whether the Fifth Circuit Court abused its discretion by not ruling the 220th District Judge Andrew Campbell was prejudice.

9. Whether the Fifth Circuit Court abused its discretion by not ruling the three Orders signed November 7, 1983 was a forgery.

10. Whether St. Clair Newbern, III owes petitioner Eighteen Hundred Dollars.

11. Whether the United States District Court abused its discretion by not going through proper Judicial procedure by holding petitioner and J. A. Hardin's trial on the same day that the bankruptcy court held the trial.

12. Whether the Fifth Circuit Court abused its discretion by not ruling the Bankruptcy Court errored in trying to break petitioner's contract with the Veterans' Land Board of the State of Texas.

13. Whether the Fifth Circuit Court abused its discretion by not ruling

that the Bankruptcy Court and the United States District Court erred in granting to petitioner's ex-wife, Joan M. Hardin, Foster, too much damages in a Chapter 13 case and awarding too much money to Gilbert and Colvin for attorney's fees.

14. Whether the Fifth Circuit Court abused its discretion by not ruling the Bankruptcy Judge and the United States District Judge abused their discretion by not ruling that the deed from the Veteran's Land Board to J. A. Hardin was valid and the Bankruptcy Judge, Trustee, and the United States District Judge was compelled to accept full tender payment from petitioner and J. A. Hardin.

15. Whether the United States District Judge, Eldon B. Mahon used duress and undue influence when he threat-

ened to put J. A. Hardin in jail if J. A. Hardin did not sign his deed over to Clifford F. McMaster, when J. A. Hardin had full tender payment in hand.

16. Whether St. Clair Newbern betrayed the trust of petitioner as his attorney.

17. Whether St. Clair Newbern betrayed his oath as a federal attorney.

18. Whether St. Clair Newbern betrayed the law and petitioner by entering petitioner business homestead in a Chapter (13) thirteen bankruptcy case.

19. Whether Judge John Flowers betrayed his oath of office by allowing the Veterans Land Board property to be entered in this Chapter (13) thirteen case.

20. Whether Judge John Flowers, Judge Michael A. McConnell, Judge David

O. Belew, and Judge Eldon B. Mahon abused their oath to their high office by defying Article VI, Clause (2) of the United States Constitution.

21. Whether Clifford F. McMaster was legally appointed trustee in a Chapter (13) thirteen case.

22. Whether Judge John Flowers was within the law when he converted the Chapter (13) thirteen case to a Chapter (7) Seven case.

23. Whether Judge John Flowers, Judge Michael A. McConnell, Judge David O. Belew, Judge Eldon B. Mahon, Gilbert and Colvin, St. Clair Newbern, III, and Clifford F. McMaster is guilty of a conspiracy to commit fraud for the purpose of enrichment.

24. Whether Clifford F. McMaster misapplied fiduciary property.



## TABLE OF CONTENTS

	Page
QUESTIONS PRESENTED . . . . .	i
OPINIONS BELOW . . . . .	2
JURISDICTION . . . . .	2
STATEMENT OF THE CASE . . . . .	2
REASONS FOR GRANTING THE CASE . . . . .	4
CONCLUSION . . . . .	5
CERTIFICATE OF SERVICE . . . . .	6
NOTICE OF APPEALS . . . . .	8
JUDGEMENT OF FIFTH CIRCUIT COURT . . . . .	11

# TABLE OF AUTHORITIES

Case	Page
<u>Argisinger v. Hamlin</u> , Supreme Court of United States Ruling . . . . .	4
Clarence Gideon Case, Supreme Court of United States Ruling . . . . .	4
<u>Hardin v. Hardin</u> , 584 South Western Reporter (2d) Series 384 1979 . .	
United States Constitution Amendments 5 - 6 - 14, Article 6, Clause (2) . . . . .	2, 11
Texas Constitution, Article 1, Section 19; Article 5, Section 11; Article 16, Section 49-50 and 51. .	2
Vernon's Annotated Civil Statutes in Texas Law Article 3996 . . . . .	

In The  
SUPREME COURT OF THE UNITED STATES  
October Term, 1987

\_\_\_\_\_  
NO. \_\_\_\_\_  
\_\_\_\_\_

LAVOYD WAYNE "Bill" HARDIN

Petitioner

v.

CLIFFORD F. MCMASTER

Respondent  
  
\_\_\_\_\_

PETITION FOR WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT  
  
\_\_\_\_\_

The petitioner, Lavoyd Wayne "Bill" Hardin, respectfully prays that a writ of Certiorari be issued to review the judgment of the United States Court of Appeals for the Fifth Circuit entered on November 20, 1986.

## OPINION BELOW

The fifth Circuit Court of Appeals was right when they said they lack jurisdiction in this case, in fact no State Court, or Federal Court had jurisdiction over all the cases, that petitioner has been forced to defend in the past eleven years, but the Supreme Court of the United States has jurisdiction over all these cases, and can straighten out this mess.

## JURISDICTION

Article 111, Section 2. (1)

## CONSTITUTIONAL PROVISION INVOLVED

Article VI (2) Amendments 5, 6 and 14th of the United States Constitution

Article 1. Section 19; Article 5, Section 11; Article 16, Section 49-50 and 51, of the Texas Constitution.

## STATEMENT OF THE CASE

Petitioner, Lavoyd Wayne "Bill" Hardin filed this case for damages against

Clifford F. McMaster, respondent, for misapplication of fiduciary property in the 220th District Court, Comanche County Texas, where petitioner lives, respondent had no jurisdiction over this property, the state and federal judges or courts had no jurisdiction over this property, this property belonged to the Veterans Land Board of the State of Texas, which petitioner being an honorable discharged Veteran of the United States of America Armed forces, had a valid contract.

#### CONCLUSION OF LAW

By the letter of the law; for a contract to be binding and enforceable, it must fulfill four legal requirements; mutual assent or consent, competent parties lawful consideration, and valid subject matter.

A contract that meets these requirements and has been fully executed on both sides will not be disturbed by the courts

and the courts has no jurisdiction over this contract when both parties are in full agreement.

#### REASON FOR GRANTING THE WRIT

When petitioner denied his constitutional right of due process of law under both the United States Constitution and the Texas Constitution.

Petitioner has been the victim in the past eleven years by numerous judicial errors and has been victimized in the States and Federal Courts. The Supreme Court, in the Clarene Gideon, held unanimously that he had the right to counsel.

The Supreme Court ruled in the Scottsboro case that counsel must be supplied if the results could be a prison sentence whatever the label attached to the misconduct, (also see the case of *Argsinger v. Hamlin*).

# CONCLUSION

For the foregoing reasons, petitioner, Lavoyd Wayne "Bill" Hardin, respectfully requests that a writ of certiorari issue to review the judgement of the United States Court of Appeals for the Fifth Circuit.

Respectfully Submitted,

*Lavoyd Wayne "Bill" Hardin*  
Lavoyd Wayne "Bill" Hardin

Rt. 1, Box 127A

DeLeon, Texas 76444

Telephone (817) 893-2686

Dated *February 2<sup>nd</sup>*, 1987.

AFFIDAVIT  
PROOF OF SERVICE

I, Layoyd Wayne "Bill" Hardin, petitioner, hereby certify that a true and correct copy of this petition was mailed by first class to respondent's attorney, Gilbert and Colvin, 1035 InterFirst Tower, Fort Worth, Texas 76102. And all interested parties below:

Clifford F. McMaster, 307 Capital  
National Bank Building, Fort Worth,  
Texas 76102

J. A. Hardin, Route One, Fayette-  
ville, Tennessee 37334

Ben Sudderth, 109 West Grand, Coman-  
che, Texas 76442

St. Clair Newbern, III, 1116 River  
Plaza Tower, 1701 River Run Road,  
Fort Worth, Texas 76107

Joan M. Hardin Foster, 904 Burleson  
Street, DeLeon, Texas 76444

Roy Hufstutler, 1001 North Houston  
Street, Comanche, Texas 76442



James Robert Authur, W. Highland,

Comanche, Texas 76442

Signed this 2<sup>nd</sup> day of February,  
1987.

Lavoyd Wayne "Bill" Hardin

Lavoyd Wayne "Bill" Hardin

Route 1, Box 127A

DeLeon, Texas 76444

Phone No. (817) 893-2686

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 86-1545  
Summary Calendar

---

In the Matter of: LAVOYD W. "BILL"  
HARDIN, Debtor, LAVOYD WAYNE "BILL"  
HARDIN,

Plaintiff-Appellant

versus

CLIFFORD F. MCMASTER

Defendant-Appellee

---

Appeal from the United States Dis-  
trict Court for the Northern  
District of Texas  
(Docket No. CA-4-86-493-K)

Before RUBIN, RANDALL, and HIGGINBO-  
THAN, Circuit Judges.

PER CURIAM:

In this protracted bankruptcy  
proceedings, Lavoyd Wayne "Bill" Har-  
din, who has filed a number of pre-

vious appeals, now seeks to appeal a district court order denying remand of related proceedings to state court, from which the related proceedings had been removed pursuant to 28 U. S. C. 1452.

We lack jurisdiction to review an order denying remand. In re Rayburn Enterprises, Inc., 781 F. 2d 501 (5th Cir. 1986). This decision follows the command of U. S. C. 1452 (b), which expressly provides:

An order entered under this subsection remanding a claim or cause of action, or a decision to not remand, is not reviewable by appeal or otherwise.

While Hardin also now seeks to have this court review all of the prior proceedings in this matter, those proceedings have either been previously reviewed by us or are not reviewable because they are interlocutory.

For these reasons, we DISMISS the  
appeal.

In The United States Court of Appeals  
For The Fifth Circuit

---

No. 86-1545

---

Lavoyd Wayne "Bill" Hardin,  
Plaintiff - Appellant  
Versus  
Clifford F. McMaster  
Defendant - Appellee

Notice of Appeal

I, Lavoyd Wayne "Bill" Hardin, pro-  
se, appeal Case No. 86-1545 (that was  
dismissed November 20, 1986 by the  
Fifth Circuit Court) to the Supreme  
Court of the United States of America  
in Washington, D. C. This case is  
appealed to the Supreme Court of the  
United States under the provisions of  
the 5th, 6th, and 14th amendments and  
Article III and Article VI, Section (2)

of the United States Constitution.

*Lavoyd Wayne "Bill" Hardin pro se*

Lavoyd Wayne "Bill" Hardin, pro se  
Route 1, Box 127A  
DeLeon, Texas 76444

Phone No. (817) 893-2686

Affidavit  
Proof of Service

I, Lavoyd Wayne "Bill" Hardin, certify that a copy of this Notice of Appeal under the penalty of perjury was mailed by First Class to Defendant Clifford F. McMaster's attorney, Gilbert & Colvin, 1035 InterFirst Tower, Fort Worth, Texas 76102, and all interested parties listed below:

Gilbert & Colvin, 1035 InterFirst Tower, Fort Worth, Texas 76102

Clifford F. McMaster, 307 Capital National Bank Building, Fort Worth, Texas 76102

J. A. Hardin, Route One, Fayetteville  
Tennessee 37334

Ben Sudderth and Keith Woodley of  
Sudderty, Woodley and Dudley 109 W.  
Grand, Comanche, Texas 76442

St. Clair Newbern, III, 1116 River  
Plaza Tower, 1701 River Run Road,  
Fort Worth, Texas 76107

Joan M. Foster, 904 Burleson Street,  
DeLeon, Texas 76444

Roy Hufstutler, 1001 N. Houston  
Street, Comanche, Texas 76442

James Robert Arthur, W. Highland,  
Comanche, Texas 76442

Signed this 16th day of December,  
1986.

*Lavoyd Wayne "Bill" Hardin*  
Lavoyd Wayne "Bill" Hardin

Filed December 19, 1986 in the U. S.  
Court of Appeals for the Fifth  
Circuit